

REMARKS/ARGUMENTS

Claims 1-7 were pending in this application before the present response.

In the Office Action dated May 24, 2007, claim 1 is objected to, and claims 1-3 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over Reese et al. (US 2002/0141732, hereinafter “Reese”) in view of Barton et al. (US 2003/0095791, hereinafter “Barton”). Claims 4-7 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Reese in view of Barton and further in view of Asano et al. (US 2003/0051151, hereinafter “Asano”).

Applicant hereby cancels claims 4-7 without prejudice or disclaimer, and adds new claims 10-12. No new matter is added by the amendments made herein. Claims 1-3 and 10-12 are now pending in this application. Applicant respectfully requests reconsideration and allowance of all pending claims, in view of the amendments and following remarks.

Claim Objections

Claim 1 was objected to because the introduction of the limitation “when the requested content does not reside on the first hard disk recorder” allegedly “creates confusion as to when and where the requested content is encrypted.” (Office Action, p. 3.) In the present amendment, applicant has addressed the objection by introducing the italicized language into steps of claim 1, as follows:

determining whether the requested content *resides in an encrypted form on the first hard disk recorder*, wherein the encrypted form comprises encryption via a local encryption scheme;
if the requested content does not reside on the first hard disk recorder, determining whether the requested content *resides in the encrypted form on a second hard disk recorder*;

Applicant gratefully acknowledges the Examiner’s suggestion that, “If, however, the encryption of the requested content were more fully expressed, the Examiner would

reconsider the limitations of the claim in light of Reese and Barton as long as it does not raise new issues that necessitate further consideration and search.”

Applicant has more fully expressed the encryption of the requested content as suggested, and Applicant respectfully submits that the amended language of claim 1 does not create confusion as to when and where the requested content is encrypted. Accordingly, Applicant respectfully requests that the objection, and the rejection of claim 1 in light of Reese and Barton, should be withdrawn.

Claim Rejections – 35 U.S.C. § 103

Claims 1-3 were rejected as allegedly unpatentable over Reese in view of Barton. Claims 4-7 were also rejected under 35 U.S.C. 103(a) as being unpatentable over Reese in view of Barton and further in view of Asano. Applicant has cancelled claims 4-7. Accordingly, the rejection of claims 4-7 is believed to be moot. Applicant respectfully submits that the rejection of claims 1-3 under 35 U.S.C. § 103(a) should be withdrawn.

Independent claim 1, as amended, requires, *inter alia*, “determining whether the requested content resides in an encrypted form on the first hard disk recorder, wherein the encrypted form comprises encryption via a local encryption scheme” and “if the requested content does not reside on the first hard disk recorder, determining whether the requested content resides in the encrypted form on a second hard disk recorder”.

Applicant submits that neither Reese nor Barton discloses at least the aforementioned feature of independent claim 1. In particular, it is submitted that secondary citation to Barton does not remedy the conceded deficiency in the primary citation to Reese. Accordingly, without conceding the propriety of the asserted combination, the asserted combination of Reese and Barton is likewise deficient, even in view of the knowledge of one of ordinary skill in the art.

The Examiner states that “Reese decodes video content . . . , but does not expressly mention the encryption schemes.” (Office Action, p. 5.) Applicant agrees with the Examiner that the claimed limitation is missing from Reese. To the extent that the Examiner contends that the missing limitation can be found in Barton, this contention is respectfully traversed.

Barton discloses transferring media and database elements between two DVRs where one of the DVRs is a portable DVR. Barton, paragraph 76. Barton, however, expressly teaches a method “to encrypt the data transfer between the DVRs.” Barton, paragraph 79. Barton does not teach “determining whether the requested content resides in an encrypted form on the first hard disk recorder, wherein the encrypted form comprises encryption via a local encryption scheme.” Barton also does not teach “determining whether the requested content resides in the encrypted form on a second hard disk recorder.” Thus, Barton does not provide a disclosure that remedies the aforementioned, conceded deficiency in the primary citation to Reese.

Indeed, Barton teaches “to encrypt the data transfer between the DVRs” (para. 79) and “to encrypt the data during the transfer” (para. 80). Accordingly, Barton *teaches away* from determining whether the requested content already resides in an encrypted form on the either the first or second hard disk recorder.

Since Barton fails to supply features missing from Reese, the combination of Reese and Barton cannot suggest the invention and cannot render the claims obvious. Thus, no matter how Reese and Barton may be combined (even assuming, *arguendo*, that one of ordinary skill in the art would be led to combine them) the resulting combination is not the invention recited in claim 1.

Because claims 2-3 depend from claim 1, the combination of Reese and Barton cannot render claims 2-3 obvious. Therefore, Applicant submits that claims 2-3 are patentable over Reese in view of Barton, and requests that this rejection be withdrawn. Reconsideration of the rejections under 35 U.S.C. § 103 is respectfully requested.

New Claims

New claims 10-12 include certain limitations that appeared in canceled claims 4-7; however, new claims 10-12 are dependent upon claim 1. Because claims 10-12 depend from an allowable base claim, the cited combination of Reese and Barton, or of Reese and Barton further in view of Asano, cannot render claims 10-12 obvious. Therefore, Applicant submits that claims 10-12 are patentable over the cited art.

Conclusion

In view of the foregoing discussion, it is believed that claims 1-3 and 10-12 are allowable over the cited art. Applicant respectfully submits that all pending claims, as amended, are in condition for allowance, and earnestly requests that all objections and rejections of the claims be withdrawn and a Notice of Allowance be entered at the earliest date possible.

Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

Respectfully submitted,

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